

STATE PERSONNEL BOARD CALENDAR



OCTOBER 22, 2007

SACRAMENTO

State of California

Memorandum

DATE: **October 11, 2007**

TO: ALL INTERESTED PARTIES

FROM: **STATE PERSONNEL BOARD** – Executive Office

SUBJECT: Notice and Agenda for the **October 22, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on October 22, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California 95814, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the October 22, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in cursive script, appearing to read "A. Partington".

April Partington
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141

MID MONTH BOARD MEETING – OCTOBER 22, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

MID MONTH BOARD MEETING AGENDA²

October 22, 2007
9:00 a.m. – 11:00 a.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

(9:30 a.m. – 10:00 a.m.)

- 6. HEARING – STATE PERSONNEL BOARD AND DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Federal Court Receiver Robert Sillen requests the establishment of a classification entitled Receiver's Nurse Executive (Safety) in order to create a nursing management structure within the California Department of Corrections and Rehabilitation's adult institutions. This classification will be utilized in institutional, regional and statewide settings. The purpose of this hearing is to provide an opportunity for interested parties to share any concerns or issues with the five-Member Board.

² The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. – 10:30 a.m.)

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

9. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

10. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

11. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. – Onwards)

12. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF NOVEMBER 5, 2007, IN SAN DIEGO, CALIFORNIA**

BOARD ACTIONS:

13. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 24, 2007**
14. **EVIDENTIARY CASES - (See Case Listings on Pages 10-16)**
15. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 22-23)**
16. **NON-EVIDENTIARY CASES - (See Case Listings on Pages 16-19)**
17. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

CAL FIRE TRANSFER OF PINE VALLEY FIRE PROTECTION DISTRICT EMPLOYEE

The Department of Forestry and Fire Protection (CAL FIRE) requests that one Pine Valley Fire Protection District employee be transferred into State Civil Service.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

COLEMAN COMPLIANCE MANAGER, DIVISION OF CORRECTIONAL HEALTH CARE SERVICES, DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Coleman Compliance Manager provides administrative direction and expert input to the entire department, control agencies, and the Attorney General's Office in meeting legal mandates under the *Coleman* litigation. Additionally, the Compliance Manager is responsible for developing and implementing the policy and procedures that align evaluation and improvement efforts with existing state mandates, statewide mental health policies, and the *Coleman* court orders.

DIRECTOR OF HEALTH INFORMATICS, DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs proposes to allocate the above position to the CEA category. The Director of Health Informatics is responsible for the development of a new Enterprise-wide Veterans Homes Information System that will integrate the Agency's business operations with a comprehensive electronic health record for veterans in all eight Veterans Homes. In addition, the position is responsible for high-level informatics policy development, application implementation and program leadership and oversight.

CHIEF, DIVISION OF STAFF DEVELOPMENT AND STRATEGIC PLANNING, DEPARTMENT OF TRANSPORTATION

The Department of Transportation proposes to allocate the above position to the CEA category. This position will be responsible for setting the direction for improving employee work performance and for ensuring that the administrative program resources are deployed in the most effective manner to support employees in accomplishing their jobs and to provide excellent customer service to the public, other state agencies, and transportation partners. Additionally, this position will allocate Administration Program resources, set performance measures, and monitor expenditures and accomplishments.

PROPOSITION 1B PROGRAM MANAGER, DEPARTMENT OF TRANSPORTATION

The Department of Transportation proposes to allocate the above position to the CEA category. The Program Manager will provide direction to ensure that bond-related activities are undertaken in a manner that will ensure performance outcomes are achieved; see that fiscal and oversight processes are in place to protect the investment of public funds and assets; develop strategies to accelerate delivery of bond funded projects; and establish and implement proactive communication strategies so both internal and external stakeholders are routinely informed of programs and issues. The Program Manager will serve as the Department spokesperson on all Proposition 1B issues.

ASSISTANT EXECUTIVE OFFICER, DEPARTMENT OF CONSUMER AFFAIRS

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The Assistant Executive Officer is responsible for carrying out the strategic plan objectives of the thirteen-member board, which is charged with the regulation of pharmacy practice in California. The Assistant Executive Officer serves as the top consultant and advisor to the Executive Officer and has a continuous policy influencing role in the development of policy initiatives based on the board's strategic goals.

ASSISTANT DEPUTY DIRECTOR, CENTER FOR HEALTHCARE QUALITY, DEPARTMENT OF PUBLIC HEALTH

The Department of Public Health proposes to allocate the above position to the CEA category. The Assistant Deputy Director provides assistance in overall operations management of the programs within the Center for Healthcare Quality; formulates medical and management policies to promote, implement and improve public health programs; advises the Director/State Public Health Officer, California Health and Human Services Agency Secretary, and the Governor's Office on policy and legislative matters; provides reviews of studies, reports, and other technical publications to ensure compliance with departmental policies and quality control requirements.

CHIEF OF INTERNAL AUDITS, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Chief of Internal Audits provides assistance and advice to top level management on all operations, processes, and policies required to protect the integrity and security of the Lottery's \$3.3 billion a year business; organize and direct a program of internal and external audits to assess compliance.

DEPUTY DIRECTOR OF OPERATIONS, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Operations will be responsible for providing consultation on the development of long-term plans for new and existing construction, space development, and lease acquisition for commercial and warehouse space projects for the Lottery on a statewide basis; advise on developing and implementing policies necessary to maximize the effective use of the Lottery's administrative resources; all aspects of the contracting process.

DEPUTY DIRECTOR OF LEGISLATION, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Legislation functions as a member of the Executive staff and is responsible for identifying and assessing all legislative and regulatory activities that impact Lottery gaming on a state or national level.

DEPUTY DIRECTOR OF BUSINESS PLANNING, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Business Planning is a key advisor to the Directorate and is responsible for strategic planning, performance management, game design and development, special project management, research and development, and program review.

CHIEF OF RESEARCH, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Chief of Research is a member of the Executive staff and will provide consultation on the development of a variety of research, including marketplace, consumer, competitive, best practices, product research, and identify targets with potential for profitability.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DIRECTOR, OFFICE OF GOVERNMENTAL AFFAIRS, PUBLIC UTILITIES COMMISSION

The Public Utilities Commission's request to allocate the above position has been approved effective September 19, 2007.

GENERAL COUNSEL, EMPLOYMENT TRAINING PANEL

The Employment Development Department's request to allocate the above position has been approved effective September 25, 2007.

20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

21. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

23. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 20-21)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

14. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument June 5, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

(3) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

(4) CASE NO. 07-1381A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

(5) CASE NO. 06-4585E

Appeal from denial of reasonable accommodation

Classification: Staff Services Manager II

Department: Commission on Teacher Credentialing

Case taken under submission on October 9, 2007.

(6) CASE NO. 05-1043P

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

Petition for rehearing granted June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

(7) CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security Guard Services

Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

(8) CASE NO. 07-003 (b)

Appeal from Executive Officer's disapproval of contract

Classification: Janitorial Services

Department: Department of Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 07-0738**
Appeal from dismissal
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
- (2) CASE NO. 07-0837**
Appeal from rejection during probation
Classification: Custodian
Department: Department of General Services
- (3) CASE NO. 06-2621**
Appeal from rejection during probationary period
Classification: Dispatcher-Clerk, Caltrans
Department: Department of Transportation
- (4) CASE NO. 06-2766**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
- (5) CASE NO. 06-3018**
Appeal from 30 working days suspension
Classification: Officer
Department: Department of California Highway Patrol
- (6) CASE NO. 05-3691**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
- (7) CASE NO. 06-2890**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation

- (8) **CASE NO. 06-4156**
Appeal from 30 days suspension
Classification: Custodian
Department: California State University, Sacramento

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (9) **CASE NO. 07-1969**
Appeal from 5 day suspension
Classification: Officer
Department: Department of California Highway Patrol

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NOS. 06-6040P & 06-1594P**
Appeal from dismissal and discrimination/retaliation complaint
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (2) **CASE NOS. 03-2436P & 04-0889P**
Appeal from four work weeks suspension and two work-weeks suspension
Classification: Corporations Counsel
Department: Department of Corporations
Petition for rehearing filed by appellant to be granted or denied

- (3) **CASE NO. 06-1645P**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing filed by appellant to be granted or denied

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 06-3534A**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.
Transcript prepared.
Pending oral argument December 4-5, 2007, San Francisco.
- (2) **CASE NO. 06-3014PA**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
Oral argument continued.
Pending oral argument December 4-5, 2007, San Francisco

- (3) **CASE NO. 07-0850A**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.
Pending transcript.

- (4) **CASE NO. 05-2721A**
Appeal from dismissal
Classification: Health Facilities Evaluator Nurse
Department: Department of Health Services

Proposed decision rejected June 5, 2007.
Transcript prepared.
Pending oral argument November 5, 2007, San Diego.

- (5) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Pending transcript.

- (6) **CASE NO. 06-1413PA**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Transcript prepared.
Pending oral argument December 4-5, 2007, San Francisco.

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-2537N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to disclose several name changes, application and disqualification for employment and questionable drug use.
- (2) **CASE NO. 06-2803N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability, job termination within one year of his CDCR application.
- (3) **CASE NO. 06-2527N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
- (4) **CASE NO. 06-2750N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of his CDCR application.
- (5) **CASE NO. 06-2744N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; a negative driving record and a misdemeanor conviction within one year of her CDCR application.
- (6) **CASE NO. 06-2605N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to supply information or documentation needed to complete the background investigation.

- (7) **CASE NO. 06-2742N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; provided inaccurate information, omitted pertinent information, negative law contacts and a negative employment record.
- (8) **CASE NO. 06-2552N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability, failed to supply information or documentation needed to complete the background investigation.
- (9) **CASE NO. 06-1757N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; provided inaccurate information and omitting pertinent information.
- (10) **CASE NO. 06-2991N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of his CDCR application.
- (11) **CASE NO. 06-2540N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to disclose accurate and truthful information about law enforcement contacts.
- (12) **CASE NO. 06-2868N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to furnish documentation proving he meets the minimum qualifications for citizenship.
- (13) **CASE NO. 06-2558N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability, failed to disclose the reason for his termination as well as negative law enforcement contacts.
- (14) **CASE NO. 06-1637N**
Classification: Youth Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to supply information and documentation needed to complete the background investigation.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 07-1880N**
Classification: Attorney General/ERA
Department: Department of Justice

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held on December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held on December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held on August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held on July 7, 2004.)

6. CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held on July 10, 2007.)

7. PERSONAL SERVICES CONTRACT NO. 07-01. Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held on July 10, 2007.)

9. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
10. **CASE NO. 05-1285A.** Appeal from dismissal. Public Safety Dispatcher II. Department of the California Highway Patrol. (Oral argument held on September 4, 2007.)
11. **PERSONAL SERVICES CONTRACT NO. 06-03, CASE NO. 07-0806PA.** Appeal in the matter of the Executive Officer's disapproval of Unarmed Security Guard Services contract. Department of the California Highway Patrol. (Oral argument held on September 4, 2007.)
12. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services. (Oral argument held on September 4, 2007.)
13. **CASE NO. 07-1381A** Appeal from dismissal. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held on October 9, 2007)
14. **CASE NO. 05-1043P** Appeal from dismissal. Tax Counsel, Range D. Board of Equalization. (Oral argument held on October 9, 2007)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



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(Cal. 10/22/07)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans
Director of Legislation

TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation
Plata Support Division
California Department of Corrections and Rehabilitation

SUBJECT: Proposed establishment of a new safety classification, Receiver's Nurse Executive (Safety), with a one year probationary period.

REASON FOR HEARING:

Federal Court Receiver Robert Sillen requests the establishment of a classification entitled Receiver's Nurse Executive (Safety) in order to create a nursing management structure within the California Department of Corrections and Rehabilitation's adult institutions. This classification will be utilized in institutional, regional and statewide settings. The purpose of this hearing is to provide an opportunity for interested parties to share any concerns or issues with the five-Member Board.

CONSULTED WITH:

Suzanne Ambrose, State Personnel Board
Mary Fernandez, State Personnel Board
Carol Ong, State Personnel Board
Mike Strazzo, State Personnel Board
Daphne Baldwin, State Personnel Board
Elise Rose, State Personnel Board
Betsy Chang Ha, California Prison Healthcare Receivership

BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical health care delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

"...to control, oversee, supervise and direct all administrative, personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR."

(Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:

“...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system.” (Order Appointing Receiver, lines 4-7)

Among the Receiver’s specified powers are:

“...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care.” (Order Appointing Receiver, p.4, lines 13-17)

The Order also empowers the Receiver to:

“...establish personnel policies and to create, abolish or transfer positions related to the delivery of medical health care to class members.”

On July 3, 2007, an Order Re Receiver’s Motion for Waiver of State Law re Receiver’s Career Executive Assignments was issued, which recognized that:

“...the lack of medical leadership has...profound consequences for the delivery of medical care...[and] remedying the unconstitutional medical conditions within CDCR will necessarily require the infusion of new medical care executives/administrators who are well qualified and committed to revamping the current dysfunctional system and establish a culture of competence and professionalism.” (Order Re Receiver’s Motion Re...Receiver Career Executive Assignments, p.5, lines 16-20)

“...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service.”

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon “a mechanism for hiring medical health care executives/administrators for the CDCR” consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

The Receiver's Nurse Executive (Safety) classification is the first classification to be developed under the auspices of this order. This broad class encompasses assignments as the Institution Chief of Nursing Services, the Regional Chief of Nursing Services and the Statewide Chief of Nursing Services.

Incumbents in this class direct the development and implementation of nursing policies, staffing plans, training and educational programs, and formulate and make or recommend decisions regarding budgetary matters.

The classification includes minimum education, licensure and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and core competencies identified by subject matter experts as essential to successful job performance.

SAFETY DESIGNATION:

The Receiver's Nurse Executive (Safety) is proposed as a "Safety" classification as all incumbents will have regular, personal contact with inmates and will be charged with the responsibility to prevent escapes and injury by inmates to themselves, others, or to property; maintain security of working areas and work materials, inspect premises and search inmates for weapons or illegal drugs.

PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education, experience, and licensure requirements. Possession of core competencies will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and desirable qualifications based examination may be appointed to various types and levels of assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."

RECOMMENDATION:

That the classification of Receiver's Nurse Executive (Safety) be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective October 22, 2007; and, that the classification have a twelve month probationary period.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: TN05
Class Code: 8241
Established:
Revised: --
Title Changed: --

RECEIVER'S NURSE EXECUTIVE (SAFETY)

SCOPE

This specification describes nurse executive positions with comprehensive management responsibility for delivery of nursing patient care. All positions allocated to this classification are responsible for maintaining order and supervising the conduct of inmates; maintaining the safety of persons and property; preventing escape of persons committed to adult institutions of the California Department of Corrections and Rehabilitation and preventing injury by such persons to themselves or others or to property; maintaining security of working areas and work materials; and inspecting premises and searching inmates for weapons or illegal drugs.

DEFINITION OF CLASSIFICATION

Each position allocated to this classification manages professional nursing services within the California Department of Corrections and Rehabilitation, and is responsible for comprehensive nursing care services being delivered 24-hours per day and 7 days per week in California Department of Corrections and Rehabilitation adult institutions. Incumbents are responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate, and improve the quality and appropriateness of all nursing care. Incumbents are responsible for continuous quality improvements and sustainable constitutional levels of nursing care. Incumbents ensure nursing services are well-functioning and that the timely delivery of patient care is available to all patients in accordance with appropriate standards of nursing care. Incumbents direct the development, and assist with the development of nursing policies, procedures, and protocols. Incumbents direct the development, implementation of nursing services staffing plan policies. Incumbents assess nursing professional training and orientation needs; and, participate in the development of orientation and education programs to promote staff development policies. Incumbents identify problems and implement solutions for operational and organizational issues pertaining to nursing. Incumbents formulate and assist with the formulation of operational and capital budgets, and make decisions or

effectively recommend a course of action with regard to management of the nursing budget.

MINIMUM QUALIFICATIONS

Possession of a current and unencumbered license as a registered nurse in California. (Applicants who do not meet this requirement will be admitted to the examination, but they must secure the required license before they will be considered eligible for appointment.)

and

A Bachelors of Science in nursing or health services administration or a related field. (Additional qualifying experience performing a full range of duties as a nursing supervisor in a health care organization/facility with 20 or more full-time subordinate nurses, may be substituted for the required education on a year-for-year basis.)

and

Five years of clinical nursing experience in a comprehensive medical setting, at least three years of which must have been in an administrative or supervisory capacity in a health care organization/facility with 20 or more full-time subordinate nurses.

ADDITIONAL DESIRABLE QUALIFICATIONS

Clinical nursing experience in a correctional facility; Masters Degree in nursing or other health care related field; Basic Care Life Support certification; Advanced Care Life Support certification; and experience in health care system and program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws, and regulations of the field. Has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation. Uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products. Handles the most challenging tasks requiring technical expertise.

Customer focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers at the individual, group, or organizational level. Explores options and pursues solutions until customers are satisfied. Is responsive, pleasant, and professional. Looks at the organization and its services from the customer's point of view. Seeks and uses customer feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful. Helps team members who need or ask for support or assistance. Puts team results ahead of personal success. Brings out the best in others on the team. Shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making. Supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit. Involves employees in setting their performance goals. Ensures employees have the means and skills to accomplish their goals. Tracks and measures individual and unit performance. Provides ongoing feedback. Treats all employees in an objective and consistent manner. Intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best. Ensures that clear, challenging and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department. Ensures that the importance and benefits of goals and methods are understood and accepted by those who will carry them out. Conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal. Recognizes and addresses the interdependencies of activities and resources. Clarifies roles and responsibilities. Anticipates problems and mitigates risks. Produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization. Knows whose support is needed to cut red tape. Gets things done through formal channels and informal networks. Maintains good working relationships with key players throughout the organization. Aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow. Benchmarks best practices in the industry. Knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback. Knows how to identify process problems and opportunities for improvement and simplification. Leverages technology.

Developing others: Coaches others regardless of performance level. Shows insight into causes of poor performance and how performance can

be improved. Shares knowledge and expertise willingly. Offers on-going feedback, suggestions, and encouragement. Acknowledges progress and growth. Supports others' career development plans.

Managing change: Understands the dynamics of organizational change. Knows and guides the planning, process changes, role redefinition, retraining, incentive and communication steps in transitioning from one organizational state to another. Involves key stakeholders in planning and decision making. Maintains a high level of communication about the reasons, benefits, opportunities and difficulties of change. Encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead. Understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing. Keeps an eye on the big picture and long-range possibilities and implications. Makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; possess a sympathetic and objective understanding regarding the problems of inmate-patients; and, be tactful and patient.

SPECIAL PHYSICAL CHARACTERISTICS

Incumbents must possess and maintain sufficient strength, agility and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, inmates or the public.

ASSIGNMENT DESCRIPTIONS WITHIN THE CLASSIFICATION

INSTITUTION CHIEF OF NURSING SERVICES

Incumbents in these positions are the highest ranking nurse manager within a Department of Corrections and Rehabilitation adult institution. Incumbents report directly to the institution healthcare Chief Executive Officer (aka Health Care Manager) and receive functional supervision from the Regional Director of Nursing Services insofar as it pertains to nursing standards, procedures, protocols and policies.

Directs all nursing activity within the institution and ensures compassionate, safe, effective, timely, efficient and equitable

patient-centered care in conjunction with other health care discipline managers, and in coordination with custody. Develops and maintains a competent nursing team to deliver evidence-based patient-centered care. Develops and implements clear and realistic performance expectations, issues letters of instruction and counseling memoranda, effectively recommends formal disciplinary action to the institution Chief Executive Officer, and upon delegation from the Chief Executive Officer takes disciplinary action.

REGIONAL CHIEF OF NURSING SERVICES

Under the direct supervision of the Regional Health Care Program Administrator, and the functional supervision of the Statewide Chief of Nursing Services, coordinates all patient care services within a region spanning multiple institutions within the California Department of Corrections and Rehabilitation adult institutions, and ensures that nursing practices comply with appropriate professional standards. Ensures institutions within the region have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Institution Chiefs of Nursing Services within the region insofar as it pertains to nursing standards, procedures, protocols and policies. Participates in the selection of the Institution Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers. Develops and monitors nursing performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the region. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution Chiefs of Nursing Services, institution Chief Executive Officers and Regional Healthcare Program Administrators (aka Regional Administrators).

STATEWIDE CHIEF OF NURSING SERVICES

Under the direct supervision of the federal court Receiver (or designee), coordinates all nursing services on a statewide basis within the California Department of Corrections and Rehabilitation adult institutions. Ensures that nursing professional practices comply with appropriate standards to deliver evidence-based patient-centered care. Ensures institutions statewide have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Regional Chiefs of Nursing Services insofar as it pertains to nursing standards, procedures, protocols and policies. Participates in the selection of the Institution and Regional Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers and Regional Healthcare Program Administrators. Develops and monitors nursing

performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the state. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution and Regional Chiefs of Nursing Services, Institution Chief Executive Officers and Regional Healthcare Program Administrators.

**STATE PERSONNEL BOARD
NON-HEARING CALENDAR
RE: BOARD DATE OCTOBER 22, 2007**

(Cal. 10/22/07)

MEMO TO : STATE PERSONNEL BOARD
FROM : MIKE STRAZZO, Merit Operations Division
SUBJECT : Non-Hearing Calendar Items for Board Action

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**CAL FIRE TRANSFER OF PINE VALLEY FIRE PROTECTION DISTRICT
 EMPLOYEE**

201

The Department of Forestry and Fire Protection (CAL FIRE) requests that one Pine Valley Fire Protection District employee be transferred into State Civil Service.

To: State Personnel Board

From: Daphne Baldwin, Manager
Merit Operations Division

Subject: Blanketing Pine Valley Fire Protection District Employee into State Civil Service

PROPOSED ACTION:

The California Department of Forestry and Fire Protection (CAL FIRE) requests that one (1) employee from the Pine Valley Fire Protection District be transferred into State civil service.

Staff is in agreement with this proposal.

CONSULTED WITH:

Larry Menth, CAL FIRE
Cheryl Robertson, CAL FIRE
Tony Favro, CAL FIRE
Diana Rushton, CAL FIRE

BACKGROUND:

1. CAL FIRE currently has a contractual agreement with the County of San Diego to provide fire protection services. Effective November 1, 2007, the County of San Diego will enter into an agreement with the Pine Valley Fire Protection District to provide fire protection services. CAL FIRE will assume responsibility for command and control of operations, personnel management, community preparedness services, fire prevention and fire protection planning, training and safety, and equipment and facility maintenance of the Pine Valley Fire Protection District.

A cooperative fire agreement sets forth the fire protection services to be furnished by the State, administered by the CAL FIRE's Unit Chief, with reimbursement of costs made to the State by the local agency.

The authorized position will be within civil service; and the salaries, hours, fringe benefits, and working conditions are established in accordance with State civil service law and rules.

To ensure continuity of operation and a minimum of disruption to ongoing functions, it is proposed to transfer the Pine Valley Fire Protection District employee to an equivalent State civil service classification without examination effective **November 1, 2007.**

2. The Pine Valley Fire Protection District employee subject to transfer under this proposal will be allocated to existing State civil service classes in accordance with State Personnel Board (SPB) Rule 275, Transferring Into State Civil Service. No new classes are proposed.

As provided in SPB Rule 275, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate class in the State classification plan and in accordance with standards and procedures established by the executive officer." (Authority: Government Code Section 18701).

Government Code Section 19994 further provides in part that "...the Department (Department of Personnel Administration) may determine the extent, if any, to which the employees employed by the other public agency on the date of transfer are entitled to have credited to them in the State civil service, seniority credits, accumulated sick leave, and accumulated vacation because of service with the former agency... The Department shall limit that determination to the time any transferred employees were employed in the specific function or a function substantially similar while in the former agency and the seniority credits and accumulated sick leave and accumulated vacation shall not exceed that to which each employee would be entitled if he or she had been continuously employed by the State of California."

3. CAL FIRE staff has reviewed and compared duties and the salary of the employee to be transitioned and is satisfied that they can appropriately be classified as follows:

Fire Captain

4. CAL FIRE states that layoffs will not occur as a result of this action. The current employee is already performing these duties at the local level. However, in the event of a layoff in the class being used in the Pine Valley Fire Protection District contract, the blanketed-in employee will be subject to the layoff rules of the California State civil service.

RECOMMENDATION:

That the following resolution be adopted:

WHEREAS State Personnel Board Rule 275 states, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate class in the State classification plan and in accordance with standards and procedures established by the executive officer;" and

WHEREAS, effective November 1, 2007, CAL FIRE will assume the functions of the Pine Valley Fire Protection District. Therefore be it

RESOLVED, that effective November 1, 2007, the employee now employed by the Pine Valley Fire Protection District shall be transferred to an equivalent State classification as determined by CAL FIRE as shown below without examination; and be it further

RESOLVED, that the employee holding the Pine Valley Fire Protection District position for one year or more immediately preceding the effective date of such action shall continue to hold their position as a permanent civil service employee in the equivalent State classification; and be it further

RESOLVED, that the employee holding the Pine Valley Fire Protection District position for less than one year immediately preceding the effective date of such action shall continue to hold their position subject to the probationary period established for the State classification to which assigned; and be it further

RESOLVED, that the Pine Valley Fire Protection District has no other employees currently on non-pay status; and be it further

RESOLVED, that any Pine Valley Fire Protection District employee who is injured or becomes ill on the job prior to the effective date of November 1, 2007, shall not be transferred to the equivalent State classification until such time as the employee is medically released to full duty; and be it further

RESOLVED, that the employee who previously held a Pine Valley Fire Protection District position that is now to be under the California Department of Forestry and Fire Protection shall have all civil service rights that would have accrued if such former service had been under State civil service.

Illustration of appropriate "from" and "to" classifications:

FROM	TO
PINE VALLEY FIRE DISTRICT CLASSIFICATION	CAL FIRE STATE CLASSIFICATION
Battalion Chief	Fire Captain, Range A

STAFF ITEM APPROVAL

SPB Staff Signature:



Title: Staff Services Manager I, CEA and Board Item Unit

Date: 10-4-07

(Cal. 10/22/07)

MEMO TO : STATE PERSONNEL BOARD
FROM : MIKE STRAZZO, Merit Operations Division
SUBJECT : Staff Calendar Items for Board Information

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NONE PRESENTED